IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 1137 of 2003

Between:

A. Subbaramudu, Son of Bheepalli,
Assistant in D.E.O. Office, Mahaboobnagar.

..... PETITIONER

AND

1 The District Collector,
Mahaboobnagar, Mahaboobnagar District.
2 The Revenue Divisional Officer,
Gadwal, Mahaboobnagar District.
3 The Executive Engineer, R.D.S. Uppal Camp,
Gadwal, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue *rule nisi* calling for the entire records leading up to and inclusive of the Endorsement of the 2nd Respondent bearing NO.E/4418/2002 dated 27-12-2002, basing on Lr.No.G1/ 6969/2002 dated 21-11-2002 of the 1st Respondent herein and quash the endorsement of the 2nd Respondent herein dated 27-12-2002, by issuing an appropriate Writ, order or direction, in the nature of *Certiorari*.

Counsel for the Petitioner: MR. E.V.BHAGIRATHA RAO

Counsel for Respondents: GOVERNMENT PLEADER FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed seeking to quash the endorsement bearing No.E/4418/2002, dated 27-12-2002, of the second respondent-Revenue Divisional Officer, Gadwal, Mahaboobnagar District, basing on Lr.No.G1/6969/2002, dated 21-11-2002 of the first respondent-District Collector, Mahaboobnagar, to the legal notice dated 17-12-2002 got issued by the petitioner, stating that the first respondent has already withdrawn land acquisition proceedings relating to Survey Nos.616/3 and 619/3 of Kyathur village, Alampur Mandal, Gadwal Division, Mahaboobnagar District in his proceedings bearing No.C5/3830/98, dated 14-02-1999, for formation of development road from Kanchupad to D/40 Kyathur sivar, Alampur Mandal, Mahaboobnagar District.

2. This writ petition is filed against the consequential order passed by the first respondent-District Collector, Mahaboobnagar. Moreover, as the respondents did not pay compensation to the petitioner in respect of ac.1-23 guntas in Survey No.619/3 took possession as early as on 30-06-1967 and in respect of which Section 4(1) Notification was issued on 01-07-1998 and published in the Gazette on 03-07-1998, the petitioner got issued a legal notice dated 11-11-2002 requesting payment of Rs.1,46,315/- towards his share of compensation in respect of ac.1-23 guntas in Survey No.619/3 situated in Kyathur out of Rs.3,57,349/- already deposited by the third respondent-Executive Engineer, R.D.S. Uppal Camp, Gadwal, Mahaboobnagar District, by cheque bearing No.J.098260 dated 03-12-1997 in the office of the second respondent. The second respondent-Revenue Divisional Officer, Gadwal, by endorsement No.E/4418/02, dated 27-12-2002, has informed the petitioner with

regard to the withdrawal of land acquisition proceedings as per the proceedings of the District Collector, Mahaboobnagar, dated 14-02-1999. If the petitioner is so aggrieved, he can assail the correctness or otherwise of the order dated 14-02-1999 passed by the first respondent-District Collector, Mahaboobnagar, withdrawing the land acquisition proceedings. Therefore, unless and until the main order passed by the District Collector is assailed, the relief sought for in this writ petition cannot be granted to the petitioner.

3. The writ petition fails and accordingly, the same is dismissed. No order as to costs.

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ELIPE DHARMA RAO, J

19th July, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Mahaboobnagar District.

2. The Revenue Divisional Officer, Gadwal, Mahaboobnagar District.

3. The Executive Engineer, R.D.S. Uppal Camp, Gadwal,

Mahaboobnagar District.

5. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (O.U.T).

6. Two CD copies.